



PUBLIC NOTICE

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DA 04-715
March 17, 2004

Certifications for Digital Output Protection Technologies and Recording Methods to be Used in Covered Demodulator Products

Commission Announces Certifications Received and Opens Window for Comments and Oppositions

Comment/Opposition Date: April 6, 2004

Reply to Opposition Date: April 16, 2004

By this Public Notice, the Commission announces the start of a twenty (20) day comment and opposition window regarding the following certifications for digital output protection technologies and recording methods:

Certifying Entity or Entities	Technology or Recording Method	Docket Number
Sony Corporation	MagicGate Type-R for Secure Video Recording for Hi-MD Hardware	MB 04-55
Sony Corporation	MagicGate Type-R for Secure Video Recording for Memory Stick PRO Software	MB 04-56
Sony Corporation	MagicGate Type-R for Secure Video Recording for Hi-MD Software	MB 04-57
Sony Corporation	MagicGate Type-R for Secure Video Recording for Memory Stick PRO Hardware	MB 04-58
Thomson, <i>et al.</i>	SmartRight	MB 04-59
Philips Electronics North America and Hewlett-Packard Company	Vidi Recordable DVD Protection System	MB 04-60
Digital Content Protection, LLC	High Bandwidth Digital Content Protection	MB 04-61
4C Entity, LLC	Content Protection Recordable Media for Video Content	MB 04-62
TiVo Inc.	TiVoGuard Digital Output Protection Technology	MB 04-63
Digital Transmission Licensing Administrator, LLC	Digital Transmission Content Protection	MB <u>04-64</u>

Certifying Entity or Entities	Technology or Recording Method	Docket Number
RealNetworks, Inc.	Helix DRM Trusted Recorder	MB 04-65
Microsoft Corporation	Windows Media Digital Rights Management Technology	MB 04-66
Victor Company of Japan (JVC)	D-VHS	MB 04-68

On November 4, 2003, the Commission issued an *Order and Further Notice of Proposed Rulemaking* establishing a redistribution control content protection system for digital broadcast television.¹ This system includes compliance and robustness rules for Covered Demodulator Products which permits digital broadcast television content to be output in one of several ways, including via digital outputs protected by an Authorized Digital Output Protection Technology or to an Approved Recording Method.² The Commission also adopted an interim approval process for digital output protection technologies and recording methods.³ As a part of this process, on January 23, 2004, the Commission issued a Public Notice commencing an initial certification window.⁴ In that Public Notice, the Commission indicated that following close of the initial certification window it would issue a second Public Notice identifying the certifications received and initiating a twenty (20) day period for comments or oppositions.⁵

The Commission has not yet undertaken a substantive review of the certifications identified above, makes no representation to the completeness thereof, and reserves the right to dismiss or take other appropriate action with respect to any certification that contains insufficient information to evaluate the appropriateness of the underlying digital output protection technology or recording method.⁶

When to file. Comments or oppositions must be filed during the relevant twenty (20) day window. Comments or oppositions filed before the relevant window opens or after it closes will be returned.

How to file. All comments or oppositions must be filed in the relevant dockets identified in this Public Notice. Comments or oppositions should have the primary caption "In the Matter of: Digital Output Protection Technology and Recording Method Certifications" and a secondary caption identifying the specific technology or recording method as identified in the above list. For example, comments or oppositions to be filed in MB Docket 04-55 should be captioned "In the Matter of: Digital Output Protection Technology and Recording Method Certifications: MagicGate Type-R for Secure Video Recording for Hi-MD Hardware."

¹ *Digital Broadcast Content Protection, Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23,550 (2003).

² See 47 C.F.R. §§ 73.9003(a), 73.9004(a).

³ See *id.* § 73.9008.

⁴ *Initial Certification Window*, DA No. 04-145 (rel. Jan. 23, 2004).

⁵ *Id.*; see also 47 C.F.R. §§ 73.9008(b).

⁶ 47 C.F.R. §§ 73.9008(b)(2).

Where to file. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket numbers are applicable, however, commenters must transmit one electronic copy of the comments to each docket. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Subsequent filings. If an objection is raised with respect to a certification within the twenty (20) day opposition window, the certifying entity or entities may file a reply within ten (10) days after the close of the twenty (20) day opposition window.⁷ Replies must also be filed in the relevant dockets identified in this Public Notice.

Copies of this Public Notice are available in accessible formats (Braille, large print and audio cassette) by contacting Brian Millin at (202) 418-7426 (voice); 418-7365 (TTY).

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⁷ See 47 C.F.R. §§ 73.9008(b)(2)-(3).